

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

TIMOTHY R. BELLEW,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:07CV00122

MEMORANDUM AND ORDER

This matter comes before the Court on Timothy R. Bellew's ("Petitioner") Request for Certificate of Appealability [doc. #7]. On November 9, 2007, this Court entered an Order [doc. #5] denying Petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [doc. #1] pursuant to 28 U.S.C. § 2255. The Court's November 9, 2007 order also stated that Petitioner was denied a certificate of appealability.

A certificate of appealability will be issued only if the applicant has made a substantial showing of the denial of a constitutional right and has indicated which specific issue or issues satisfy the showing required. 28 U.S.C. § 2253(c)(2) & (3). Additionally, "the petitioner 'must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.'" *Randolf v. Kemna*, 276 F.3d 401, 403 n.1 (8th Cir. 2002) (internal citations omitted). Movant has failed to meet this burden.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Request for Certificate of Appealability [doc. #7] is **DENIED**.

Dated this 14th Day of February, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE